

**SOLID WASTE RULEMAKING  
DOCKET NO. TG-990161  
MAY 15, 2000**

**Attendees (stakeholders):**

William Hearn, Skamania County Sanitary Service  
Shane Hearn, Bingen Garbage Service  
Michelle Tsalady, Thurston County  
Don Nicholson, Sound Disposal  
Jim Boldt, Rabanco  
Andrew Shafer, WTA, Dump Truck Conference  
John Swartz, WTA, Dump Truck Conference  
Gerry Eglund, Washington Dump Truck Conference  
Ric Thompson, Harold LeMay Enterprises  
Kathy Kiwala, Clark Co.  
Ed Nikula, Sanitary Service Company  
Ron Draggoo, Douglas County  
John Lloyd, Harold Lemay Enterprises  
Irmgard Wilcox, Murrey's Disposal  
Tony Segale, Yakima Waste Systems  
Don Hawkins  
James Sells, WRRRA  
Charlie Maxwell, Lakewood Refuse  
Rob Nielson, Waste Connections  
Ed Rubitino, Rubitino Refuse

**WUTC Staff:**

Danny Kermode – facilitator  
Cathie Anderson – team lead  
Marjorie Schaer  
Nicki Johnson  
Gene Eckhardt  
Carlene Hughes  
Bonnie Allen  
Mary Tennyson

DK: Overview, introductions, agenda, ground rules.

CA: Overview of meeting intent and what information was provided in the Notice. The intent of this workshop is to take stakeholder's comments and information back to Staff because Staff is having continuing meetings to come up with the next draft of the rules. There will be a couple more issue-focused meetings. The next one will probably be in the first week of June and have to do with methodology surrounding fuel surcharge supplements. Notification will be sent out as soon as the date and time is firmed up. Staff is working

on third draft of the rules and have incorporated a lot of the comments made at the previous meetings and also not incorporated a lot of them, based on analysis by Staff and legal advice. Comments that have been received are posted on our internet homepage. The discussion draft from December, the comments received from the meetings, written comments that have been received, are posted. Each of the rules has been annotated as to where the basis of that rule came from so you are able to trace the path of the rulemaking. A synopsis of the meeting in Fife is on the website.

Staff may be holding one more meeting with a discussion draft before the draft that goes to the Commissioners and gets posted in the State register. This will depend on comments today and on how deeply we go into to rules or make changes from the first discussion draft. The hope is that meeting would be held mid-July and that we would be putting a draft of the rules in front of the Commissioners in August and new rules adopted by December.

Staff will be using Commission Orders, Commission Policies to define recyclable materials, construction demolition land clearing debris, what's solid waste, what's recycling of that stream, when a commodity is solid waste and when it's recyclable materials.

Staff will try to define the terms realizing that the intent of the shipper and the actual use of the item may determine what it is.

#### ***480-70-011 Operations Exempt from Solid Waste Regulation***

ER: My concern with 011 is particularly under paragraph three where we talk about occasional loads. I think we need a definition. I can't say that I saw in here what occasional is. It means a lot of different things and it depends on the viewer. If I'm hauling 100 loads of something, 10 may be occasional. If I'm hauling 10 loads of something, 1 may be occasional. So I think there's got to be some specific, not necessarily number, but some way of defining occasional. I think that all of us that are involved in this are looking for definite guidelines so that occasional doesn't swing from one side to another.

CA: Do you have any guidance for us? By volume? By number? By dollars? Do you have any idea how you'd like to see it?

ER: I'd say something on a percentage basis. It's going to be very difficult to enforce. You're almost defining an enforcement issue. Obviously when that truck is, let's just use myself for instance; I'm hauling 100 loads from somebody and all of a sudden I have 10 loads to go someplace. That's just fits into my area, it's probably 10 percent. It's probably too much. For a small hauler that might be his whole business. So I would say that if we're

going to really talk about occasional it should be a small number, less than 1%. I have not zeroed in on a number. But, we're currently dealing with an industrial account. We're hauling waste. He's looking at recycling it. Luckily I have both authorities so I can haul recyclables as well as solid waste. If I did not have CC authority and I'm hauling 40 loads a week from this place, would 4 be incidental? Can I haul them or not haul them. That's the problem I see when we talk with occasional. And you want to also set some guidelines that gives your field authority something besides their feeling for what that case is.

RD: In that section of the rule, in all the literature that was provided, I didn't see a proviso for percentage of what we would call a contaminant dealing with solid waste. If we have a recyclable, we normally can deal with 3 to 6 percent in the industry which then rates as a contaminant which no longer makes it as a recyclable load. The question that that would impart on to this specific item would be, if you had a load, what percentage of that material could be waste and still be determined to be CDL? Because, if not, you could just throw in a small quantity of CDL and claim it as a recyclable and pull it from the stream.

CA: The only thing I can tell you is in reviewing the old orders and so on, I found one where a bonafide recycling company that was registered with the Secretary of State and had all of the licenses as a recycler, was transporting to his own facility, sorting through, 35% was recycled and the extra 65% was taken to a landfill and it was still found to be a bonafide private carriage of recyclables. That's the only guidance I've found so far but I still have another stack of old orders to read. But there is nothing that I can find. There's one where testimony said that a banana skin thrown in with a load of 2 x 4's ought to make it mixed solid waste and not recyclables. Then I found this other one about the 65%. We have not contemplated a percent yet.

RD: I would think that in terms of the two sides of the issues that we're dealing with, that dealing with the contractors and that dealing with the haulers, that could be a fairly large loophole whereby which material could be diverted from a waste stream and not taken by a certified hauler to a landfill by claiming it to be recyclable and yet 90% of the material contained within the truck could be solid waste and not recyclables. So you may want to give that some consideration.

AS: The Dump Trucker Conference doesn't disagree with Mr. Rubitino's observations about creating some form of bright line so that both the solid waste industry and also the dump truck industry understand what can and can't be done without obtaining a G permit. There's agreement here. The issue is whether or not the number is going to be so small as to fundamentally change what has been historically done throughout both industries. We'd ask that the Commission to look to what it's done in enforcement practices over the last 40 years in determining what the proper percentage should be. I don't necessarily

agree with you 100% Mr. Rubitino, but I think my clients, and at least your company, are on the same path as far as the need for a percentage number in the rules to allow everybody to understand what they can and can't do.

CA: I think it's also important to let people know that although these rules say "new section" in front of most of them they are, for the most part, saying that only because we took premises from various parts of the rules, put them together and gave them a new number. Under the Code Reviser's rules, we have to call that a new section even though it contains old material. So a lot of people thought that all of these rules were brand new rules and we were trying to either regulate people we hadn't regulated before or make loopholes where they hadn't existed. That is not what we were attempting to accomplish. We were attempting to put things in a more logical order and bring related topics together under a single rule. That's why at the request of some of the stakeholders we did put on the internet page that copy of the rules telling you from where each of the rules was developed. The new rules that we have before you are ones that we will be discussing later on.

DK: As I look at this, the new sections that are not red-lined, either struck through or underlined, those are rules that are intact now under different code numbers?

CA: There is some new material that is from Commission orders and policies or from interpretations of Federal rules. Like talking about the Federal Aviation re-authorization act or whatever. It said that this is subject to regulation, this isn't. We brought some of the information into these rules from various Commission orders, policies, and some of them from the old rules. In 006, a lot of this information used to be in the statutes, but not in the rules. But, it's not new. This 006 and 011 merely state what has been practice and do not contain new regulations.

DK: But the stuff that's red-lined here, is new proposed, right?

CA: The underlining in 011 is primarily due to recommendations in our December meetings that amended the rule from our discussion brief.

DK: And they are new though.

MS: Is the underlining a change between this draft the previous draft?

CA: Yes. Between the discussion draft that we took around in December and today to meet some of the comments that came in. The underlining is for that.

WH: I think something that needs to be addressed in the new rule is the materials that are recyclable and materials that are deposited in a solid waste facility. Records should be

maintained on the volume that has gone into the recyclable facility and the volume that has gone into the solid waste landfill stream. These records should be kept as a permanent record in the case of the prime contractor who sub-contracts to a sub-contractor, who might sub-contract to another sub-contractor and in turn with a common carrier permit holder.

MT: Could you indicate who you think should keep those records? Are you saying the hauler or the disposal site?

WH: I think it should be from the prime contractor and the ultimate carrier that does transport it to the solid waste facility or the recyclable facility.

DK: Which could be a certificate holder or a dump truck?

WH: Could be either one, yes.

CA: What would those records be used for Mr. Hearn?

WH: A good example of that I can give is from a project that was on-going with the Bonneville Dam. A contractor came in and bid a job at the Bonneville Dam. One of the stipulations was that the records of where the waste was transported to would be submitted with the payment vouchers. Unfortunately this wasn't done, the records of where the facility was that the material was suppose to go and what landfill it went to and how much went into the landfill. The contractor ultimately wound up getting paid, but no one was ever able to track where the refuse went because it was done on the weekend and there was no record of where the waste stream went. Whether it was buried out in the brush somewhere, it certainly wasn't a recyclable facility. The way it was handled it was virtually impossible for it to have gone to a reputable facility in keeping track of the records. Whereas, in this case, if you have both the prime contractor and the carrier both keeping records, it behooves them as kind of a self-check system. Then we will be able to track where the waste stream and recyclable stream went.

CA: Of course the Commission has no jurisdiction over the prime contractor, but we will take a look at the suggestion as it relates to our jurisdictional area.

PM: You have characterized this as a discussion about definitions. But the definitions that you're referring to really aren't in these sections that we're talking about. Having said that, on the issue of what is and is not recyclable, I think that the Drop Boxes R Us decision that the Commission issued recently is very helpful in articulating the policy behind the distinction of recyclables and solid waste. As you said at the outset Cathie, it's sort of dependent on a multitude of factors, largely driven by what was the intent of the generator and then also the important discussion of where does that material actually

go. I think that latter factor is very important to the solid waste collection industry to keep material from being sold to the generator as a recyclable collection, but then, in fact, being taken to a landfill or a transfer station for disposal. So both of those factors work together. I would like to see the definitions in 026 be a little bit more pro-active about restating that Drop Boxes R Us decision. But I think that is a definition that is fairly workable.

The one that is more troublesome is the one that Mr. Rubitino identified and that we've been talking about a little more, and that is, how do you define when something is occasional or not? Assume now, in this case, that we are talking about solid waste material that is collected. Is it the amount of the material in each load? Is it the frequency of the collection of solid waste? Is it the intent of the generator in throwing that banana peel in there? These are all different aspects that I think both the solid waste and the dump truck industry would welcome just a little bit more clarification on than just saying something is occasional. I would encourage you to think a little bit more about what kinds of factors you could put out. I don't know whether percentages would work. Percent may be one factor that might work in combination with other potential factors to look at. But I think some more guidance on those would be useful.

Finally, back on the recyclable issue. I really wouldn't look at those old orders before the Drop Boxes R Us because I think you guys, having looked through them and a lot of the attachments, that sometimes the Commission would look at whether the service is being paid for or not. Sometimes they'd look at the percent of revenue. Sometimes they'd look at the percent of the material. So I'm not sure how helpful those old orders are unless you just want to find one that you like. You can always find one that you like in those old orders.

CA: We're trying to build a history of all of the orders and show how it evolved.

PM: If you can show a pattern out of that evolution, that would be very welcome.

MT: In terms of the Drop Boxes R Us criteria, the page that has the little dots with the status comments, it's titled WAC 480-70-XXX and the whole thing is underlined and subsection three has an A-F. It seems to me it's in there. But are you saying it should be also be moved to the definitions or put somewhere else?

PM: I think it should be either cross-referenced in the definition section or re-stated in the definitions section. This is a definition provision. Because what you're really saying is that is the list of factors you're going to use to define what is and is not recyclable versus solid waste. Whereas the heading of this provision is much broader than when are you a solid waste collection company and when are you not?

- JS: The A-F, I agree with Paula, is probably in the wrong section. But the Drop Boxes R Us decision is not that complicated. It's much simpler than this paragraph is as far as it's application to that kind of situation. If it goes to a garbage dump, it's garbage. If it goes to a recycling facility, it's recycling. Maybe the simpler the better and that doesn't have to reach the issue of whether it's occasional or not. The private carrier is an entirely different issue. As I understand the law as it exists today, if you take something, no matter what it is, to a transfer station or landfill, it's garbage.
- CA: There are some exceptions to that and that's materials that go in to become part of the cover, part of the lining.... So that's what this was getting at. I can haul a load that might otherwise be solid waste to a landfill, but if the intent is that it become cover material or something, it has a use higher than disposal so therefor... And that's what it's getting at on the value. It's not quite as clear as saying, everything that goes to a landfill....
- JS: It's close though. And again, that Drop Boxes R Us decision is a very well written decision and it makes a great deal of sense to our industry, anyway.

**DK: Overview.**

**As far as what we've discussed the suggestion is that the Drop Boxes R Us decision would be a good guiding case because it's more recent and it seems logical and Staff should look at that instead of maybe going back in the history of the orders trying to decipher some pattern.**

**A comment that was repeated was trying to define what "occasional" means. Staff has to define that in some form.**

**The was a comment about keeping records of the percentage of recycling - how much went to the landfill and how much was actually recycled.**

- ER: I think the crux of a lot of the definition is debris. And I agree with a lot of the things of the Dump Truckers Association. Those of us who have grown up in the solid waste industry recognize what the trucking and debris has meant for years. What we see some truckers wanting to do is to say that includes tearing down houses and tearing down buildings. That's, never in my mind, ever been the definition of debris. All of a sudden I'm thinking that Puget Sound Truck Lines could say one percent and that would probably equal a lot of the volume for that many of the garbage companies. So I'm a little bit nervous of just percentage. But as a garbage truck hauler, and we have branched from the open truck to whatever's necessary, I do not have a problem with a dump truck operation that is hauling dirt excavating. And in that process there are stumps, there's material that comes out with the excavation. That's not a problem. But I do have a problem, and I don't want to name any, who have got CC authority who all of a sudden

can haul buildings being demolished and putting them either in an authorized or an unauthorized fill. It's a question that's even a problem for counties and solid waste authorities who have an attempt to have flow control and know where this material is going and have it end up in two or three counties because there's no trace.

GE: You opened up an interesting point here. When you are hauling material that is a building demolition, let's say the Kingdome, and you may have 100 trucks or you may need 20 extra trucks. Are you saying you would call a dump trucking company to come and help you?

ER: I'm not saying that, but I'm saying, yes, that would be an option. If I have the G certificate and I cannot provide the service with my own particular equipment, it's up to me to protect my G certificate and provide that service. I may need to lease from you. I may need to lease from somebody. Yes, not a problem.

MS: My questions are more for Mr. Schafer and Mr. Sells rather than you Ed, although I'd like to hear your opinions also. We've had a fair amount of litigation before the Commission in the last several years about what's recyclable and what's solid waste and we have decisions like Drop Boxes R Us that discuss how you tell whether something is recyclable or something is solid waste. I think one of the issues that we were looking at addressing today and hoping to hear more about from people, was not what's the difference between recycling and solid waste, but what is the difference between the service that can be provided as a private carrier by a dump truck company or what's the difference between the kind of things that used to be defined in WAC 480-12-990, which is the first page of the attachment. Back when we had a definition of what dump trucks could do that indicated very clearly that there were times, either as a private carrier engaged in some other activity, like somebody who had house demolition business then hauled to the landfill or in the situations that are discussed in 480-15-990 where we have dump truckers who can haul debris but not garbage, which were defined separately then, and I think maybe still are, and I think that's the definition that we need to talk about also today. Since this WAC has been repealed, do we need to put something in the solid waste WACs that indicates what this indicated because I think the traditional definition by the Commission of what dump truck haulers can haul has been what's shown here and I don't think anything that I'm aware of in recent law has changed the law about what dump truckers can haul. So I think we're looking for your help on what we really need to do to make that work for everybody. I'd kind of like to put that issue on the table and then hear from people about it, especially Mr. Schafer, if you think anything needs to be in this rule to identify this information or how that's going to work to make a bright line for people whose interests you represent to follow.

AS: We would agree with you that adoption under what was formally under the classification regulations in 480-12 would make a lot of sense. Taking the language in rule 990 section



7 and renumbering it and putting it in the garbage regulations so that we carry forward the definition of dump truck operations into the solid waste arena. I think perhaps coupling that with Mr. Rubitino's earlier comment and some other comments about defining a percentage of hauling. I think between the two of those things we may be able to resolve the problem.

JS: I can't really disagree with that. I think that some of the important words in that old section are in the note. They're talking about the value of the "commodity". Traditionally, of course, dump truckers carry commodities and we don't. It would probably be a good thing to further nail that down. I don't think we'd have any problem with that.

MS: Looking at the definition, Jim, and the word debris in there, I think maybe that's kind of the crux of some of the concern, because debris is defined as a commodity for dump truckers and it's defined as a part of solid waste. So if you have this rule gone and you don't know the history, then you might think it was wrong for dump truckers to be hauling debris. I think that's something that we need to think about logically dealing with.

AS: I think that the Commission also should be mindful of the needs of contractors on construction sites. I don't know how many people in this room have ever visited a construction site during the dirt phase, but it's a pretty busy place. I'm in an unusual position in that I represent some general contractors as well as the Dump Truck Association in this case and I can tell you that there's a tremendous advantage from the contractor standpoint and it's unfortunate that we don't have that industry represented at the table because I think if there's one group of stakeholders who really ought to be here, it's that industry. They're the shippers in this case, for all of us. My point is that it's a very busy place. One of the things that's critical to carriers whose equipment is tied up queuing in, and to contractors who are trying to maintain some sense of sanity on the site, is limiting the number of trucks in and out. To the extent that the word debris is offensive to the solid waste industry because the word is expansive by its nature, I don't know how we can accommodate the needs of the contracting industry by taking that word out so that if a dump truck, for example, is hauling away excavated soil, and incidentally there's concrete, there's rip rap, that's going off site which would fall within the definition of debris, I would think that they can't haul the rip rap but they can haul the dirt. What that then requires is that the contractors have to schedule in and stage different types of equipment depending upon which pile of waste is being removed from the site. It think that does a disservice to that industry. Apart from the economic interests of the dump truckers and the solid waste industry, I think the Commission's paramount interest shouldn't (turned tape over)....

CA: ...with some of the interpretations that were in Commission letters that the debris that was

named in dump-trucking was that which was incidental to the performance of normal dump trucking operations, rather than just being tendered whole loads of debris. Would that make things easier?

- AS: I think it would make it easier from the dump truck standpoint, but I don't know that it would necessarily address all of the concerns of the solid waste industry because, it would appear, to me at least, that that's the Pandora's box that the solid waste industry is concerned about, is it's a definition that uses it's own word as the defining term. So you can't define a word using that word and that's what we're dealing with here. We need something that's more objective and, from my client's perspectives, I don't think I ever want to get a phone call from a dump truck operator who's being cited for hauling without a permit when the regulations that he looks to are so amorphous that he can't determine whether or not he's violated anything. There's a due process concern here, as well, and I think Ms. McNeill pointed that out in her response last December.
- MS: I don't think that's the issue that we're talking about. I think everyone here has a common goal of clear rules that everyone can understand and that we can solve problems with. What we really want help with from you is either some language or maybe a letter after this meeting with some drafting and putting the minds of all the well intentioned people in this room to the job of figuring out how to write that down. I don't need to be told that it's important. That's why we're here. I just need to be told how if you have ideas that would help us in that task.
- DK: Marjorie, when you say "it", do you mean a definition of debris, or a clarification of the 990. You say you need letters to clarify "it".
- MS: What I'm talking about is whether there should be new language added to the garbage rules that incorporates in the garbage rules the information that was in WAC 990 before that WAC was repealed at the time our authority to regulate that kind of trucking was changed.
- AS: The Dump Truck Association agrees with you that adopting the language of rule 990 from former 480-12 would be beneficial to my clients.
- ER: I have no argument with that. I don't think that any of the garbage industry has been after hauling anything that has traditionally been hauled by the dump truckers. We've lived with them and they've lived with us for many years and I think we've done a darn good job together. I will go back to my first comment, just before this, that I do think there's been some motor carriers who have expanded on the word debris to feel that they have demolition authority. To me, I guess with all the years I've got in the garbage, it's pretty easy for me to see that if I haul a load that's 3/4 recyclable and I haul it to a landfill, that it's garbage. Now with dump fees being very different throughout the state, if I'm in an

area where dump fees are \$10/ton that load will probably stay there. If I'm in an area where it's \$100/ton, someone can probably recycle a lot of that. So if I haul that same material to a recycle facility, to me it's recycling. Now what the recycling facility has to do with the remaining is solid waste. Then he either has to haul his own or he calls a certificated hauler. I think it's pretty clear.

JS: We may want to take that word debris and even define it a little tighter. For example, debris from a construction site, or something like that, and maybe pin it down a little bit more as to what it is.

CA: The language in the letters that we used said "debris incidental to the performance of normal dump truck operations" or something like that?

JS: I don't necessarily have a problem with that either.

PM: I was going to follow up on that concept Cathie. As Bob Schooley has pointed out, perhaps looking at inserting the word "occasional" in front of debris and then tying the definition of "occasional" back to this operational definition might kill a couple of birds with one stone. We'll suggest some language for you in writing on that.

CA: I will tell you that I have not come up with a definitive definition of "occasional" in stacks of paper that I've read.

PM: You mean you're looking for one that somebody else made as opposed to making your own?

CA: No. The closest one I came to was in Superior Refuse over in Yakima and then it was overturned.

DK: **At this point, other than the suggestion of using the Drop Boxes R Us as a case, the other point brought out was defining occasional hauls, recording the percent of recycling and solid waste for haulers. Since then we've basically discussed adding the old 990 to the proposed rules and clarifying the term debris in some way. Also, there's going to be some written correspondence that might help clarify that also.**

**480-70-116 Certificates, Competitive Commercial Services.** 480-70-XXX Certificates, Emergency Temporary

BA: In the proposed rules we drafted some language for competitive commercial service certificates. The idea behind that was to create a less stringent criteria for being able to consider applications for service when shippers have needs that don't really fall within the traditional solid waste collection, the regular scheduled service. It wasn't intended to

replace existing traditional services provided by solid waste companies, but to allow flexibility in considering new applications when there are specialized services, specialized handling, flexible schedules, major bulk shippers and demands that are kind of outside that area.

- CA: As an alternative to that, because that rule probably garnered the most comments of any rule proposed in the packet, we have still had some calls from people unable to obtain specialized services, or it gets to be a day like this and everybody wants to tear their roof off and start on a new roofing project. Staff is proposing, in the alternative, that rule which has an XXX on it for emergency temporary authority. The statute says that the Commission can issue temporary certificates if it's shown to be in the public interest. There's no public convenience and necessity (PCN), it's a public interest standard. Because we garnered so many comments on the competitive commercial we thought that perhaps the emergency temporary authority might be a more palatable option if there was an emergency situation. If the existing carriers could not meet the need but we needed to get trucks on the road to get a construction project done or something. We present both of them. They're both on the table. Neither one is carved in stone. Neither one is guaranteed to be in the final rules. Neither one is guaranteed to be out of the final rules. We thought this might be a way to get some CDL hauled if the existing carrier could not, or would not, provide the service, or was just too busy. We'd just like your comments.
- DK: Are you saying, for clarification, are they mutually exclusive? One or the other, or can they actually co-exist?
- CA: They could co-exist or they could be mutually exclusive depending on the comments we receive. Staff is looking for direction on how to proceed.
- JS: Let me direct my comments to this temporary emergency certificate. My first reaction is that if there is a legitimate need for solid waste service and if for some reason the certificate holder is not providing that need then it would appear to me that they are placing their certificate at risk. And, in fact, they would be placing their certificate at risk and the Commission would certainly be within their rights to, at the very least, hold a hearing. I understand that that does not get the emergency taken care. We should be able to take care of emergencies. That's why we have the certificate. That's why we're required to serve all the needs within the area. And if we don't have a truck then there's a provision in the rules that we can get one from our neighboring certificate holder and go out and lease one. We may not like it, but that's what we have to do. I'm just a little bit confused about the need for that. I don't know who's asking for it because they're not asking us, as a group for that. Obviously it's some sort of a situation that the Commission has heard about.
- MS: We do get calls sometimes. I heard about two recently and I can remember one of them.

We had someone in a town down by Grays Harbor who wanted a small box in order to clean out their garage and get rid of stuff and the garbage hauler's response was all they had was a 20 yard box and they would bring that but it would cost \$200 or whatever. But, when we get calls like that, I guess we've been trying to think of a way to make sure people get service. One way would be to allow more competitive service in different kinds of areas but no one seemed to like that. So, what we're thinking is, if we had something like this, to some extent, it would be a reality check because then we would call and say "hauler can you provide this?" and if the answer is really no then someone else could get an emergency certificate and do it. If the hauler said yes then they would take care of the problem. But we wanted some way to make sure that people who need service, get service, and get it in a timely way. That was kind of the genesis. I said why can't we do ETA's here. That's what we used to do in trucking if we had someone who needed their lumber moved from Longview to Vancouver and no one had a truck and it had to be done tomorrow, we made sure they got service. I think it's still our feeling that we should be able to make sure people get service. So if people are doing a great job, we would never need to use this. But if we have someone that isn't, we would have a way to make sure the shipper got served.

JS: My problem with this is maybe the use of the term emergency. Someone wanting to clean out their basement, to me, is not an emergency. A building falling down that the debris has to be hauled out that day to clear the street, that's an emergency. If, in fact, there's a need for this and you grant it, how do we know what kind of equipment is going to be used. How do we know, if it's truly an emergency, and you've got to get somebody in there, are you truly going to check out the equipment. Are you going to check the CDL status of the drivers? In other words, are you going to do all the things that the certificated hauler has to do, and should do, to provide for the public safety. That would be a concern. But I don't disagree at all with the fact that the certificated hauler ought to be doing that. But when that person calls in and says I want a 2-yarder and LeMay says they have to have a 10-yarder down there in Grays Harbor, that's not an emergency and that should be handled by a call to whomever that certificated carrier is and say you have a customer that needs a 2-yarder, now can you get it out there or not, and if they say "no" I don't know that the solution to that is to put some unknown carrier, who just started business, to handle this the day before. I think the solution that probably ought to be....There shouldn't be a problem, for one thing, because if the customer needs a 2-yarder, they ought to get a 2-yarder. But if there is I think the Commission, rightly, would have to take some sanctioning actions against that carrier and put somebody in there with a certificate to provide the needed service. But not just somebody off the street who happens to have a truck.

CA: There was a secondary purpose that was not mentioned and that has been that we have not been able to react sometimes in the cases of a bridge being out or a road being out, to put somebody in place. And this would allow us to be able to serve that need as well.

Because temporary certificates take, at best case, two weeks to process with the notice requirements and so on. So there was more than one reason to put this in. Is there any way we could work on this to make it more palatable or make it work?

- JS: Yes, I think there is because now you're talking about something different which is a true emergency. The last one that I can think of that we dealt with was the washing out of a road, I think highway 101, that cut Mason County Garbage off from some of its customers. They were then served immediately, without loss of any service, pursuant to notice to the Commission, to the carrier to the north. I would like to think that that sort of thing can happen in the case of other emergencies. I don't know that but I would like to think that's the case. I'm just concerned about somebody, who wants a garbage certificate, doesn't have one, or can't get one, taking advantage of the situation to get their foot in the garbage hauling door without having to go through the process that everyone there now had to go through. But I can understand the emergency thing and we'll talk about that.
- CA: Perhaps instead of emergency maybe expedited instead. But we, as a staff, I will tell you, still think it's important to serve both of the reasons, in addition to the actual emergency, being able to get somebody in to serve if the existing carrier can't.
- BA: One scenario was the people were prepared to re-do a roof and couldn't get the container. For that person, at that time, it was an emergency. This would have like quadrupled their cost. That was an emergency to that shipper and those are the types of calls that we get.
- AS: Since all of this is arising in the context of what we do with CDL, and certainly I don't think there's a dump trucker in the state that has an interest in curb-side waste disposal using a dump truck, nor would any of the customers, maybe part of this problem is that it's in the wrong place. Because if we're dealing with CDL issues and we're talking about emergency temporary authorities, that opens the door for carriers that nobody wants in the neighborhood hauling curb-side pick-up and perhaps there needs to be a finer definition of how an expedited license would be granted in the context of CDL but not in the context of curb-side. Maybe you're still dealing with the emergency that Jim Sells talked about where a road washed out and there was a problem serving those customers. That's truly an emergency. But what we're dealing with, from my clients industry perspective, is scheduling on a job site where there are things to be removed and perhaps carriers just aren't available to drop off the 20-yard box and we need to use a dump truck for that and if we're not going to go with the occasional move definition thing and the dump truck industry is going to have to start applying for emergency or expedited licenses, then perhaps it has to be tied to together so that it's clear that what we're applying for isn't the ability to do curb-side but to do CDL.
- BH: The proposal that you've made on an emergency basis, I see very little need for that. Our

company has provided service through the Columbia Gorge for 12 years and with all the landslides, the floods, the bridge closures, we have never missed a day in pick-up. Not one day on any of our routes. We route down through there five days a week. Also, on the other hand, when somebody calls, they could call as late as 5:30 in the morning and receive service that morning. Our trucks are all returned to the shop generally around 12 or 12:30 and we live in a heavily rural area. We have cities also located throughout the two counties that we service. What I look at is what you've proposed there is somebody's procrastination on not cleaning out their garage at a particular time, constitutes an emergency and the garbage companies are not necessarily at fault for that. But under the same guise of that there are some regulations already established by the Commission that if we had a little more latitude between the Commission and the garbage companies where they could perhaps contract a little more rapidly with another hauler to haul the solid waste that they have, for example, and submit perhaps a letter of acceptance authorization by the garbage company in their territory from another hauler authorizing them to haul a particular emergency haul, as she eluded to, rather than having to apply through the Commission and wait two weeks until we could get the emergency situation approved to go ahead and have that hauler haul for us. Or substitute an alternate truck, for example.

GE: I live in Clark County. Let's just say you had a contaminated spill going up highway 14, just for instance, and it happened in Skamania county and you needed assistance to haul that away or have it picked up. Are you saying that maybe you would call me, you would fax a letter to the Commission to get temporary authority, would I need that to help you then?

BH: Indeed, we have done that, yes.

ER: Having been born and raised in this industry I'm having a hard time understanding what traditional service is because I think it's viewed as having a packer truck go up and down the street and we do a lot of things. One of the things that would make it easier would be for the Staff to re-look at what we have to go through as haulers to lease equipment. Right now, I can't just simply call up somebody and say I'd like to lease your truck and driver and get on the site and take care of this job. There are some challenges. So if we had some loosening of authority or how we would go about leasing that truck, I believe I can lease his equipment but I must supply the driver and that is not always easy in this day of CDL's etc. That's a question, but I will stand to be corrected. The other item is that if you issue one of these temporary certificates, for how long? Is it infinity or is it to handle that particular job? The other one is we talked about a customer calling and saying they wanted a container. I can tell you right now we provide great service. But if you called me tomorrow and said "Ed, I need a 2-yarder because I'm tearing out my driveway and I have all this concrete and dirt" I would tell you I can't give you one of those. I have to give you a drop box. Maybe the explanation wasn't given. The

container mechanism has a limit of 1,000 pounds in dumping. You can fill it so I can't move it. So, while you were saying I'm not providing the service, there's alternatives. We don't know the issue. I'm just saying that it isn't always the fact that the customer doesn't get the container they want that says we're not providing the service, because there are limitations to that type of container. It's the same as my giving a 30-yarder to a guy who takes off a roofing and when I show up I can't pick it up because he's filled it with tar, and gravel and I've got 30 ton to pick up and it won't work.

CA: The rule, as it's currently before you, would allow an Emergency Temporary Authority to be issued for 15 days and that should be 30. Also, Ed, if you will take a look at your discussion draft number two there is new rule. The discussion draft number two provided for a lease of equipment. There's a form in there.

ER: And driver? This is key. Because if all of a sudden I need seven of his dump trucks, I don't have seven spare drivers with CDL. Likewise, if I'm running end dumps, I don't want my driver, and he doesn't want my driver, who's never driven and end dump before, in that rig. We need to be able to lease equipment and driver so that he's protected and I'm protected and the public is protected.

CA: We'll have to take a look at it because we also have to guard against you leasing your authority to someone else without it going through due process and docketing and so on. Under the leasing rule you would also be responsible for driver qualifications and all of that. Under the federal safety laws that's not something we can waive. I'll take a look at the leasing rule.

ER: Now all of a sudden you're telling me I can lease equipment but I can't service it. I can't get it on the job for ten days. Because I don't have the qualified people standing by to take care of that emergency.

CA: What I'm saying is that if you lease the truck and it's allowable to lease with driver, you're going to have to get copy of the driver qualification files and maintain that in your records. And you're going to have to get a copy of the equipment maintenance records.

ER: You mean I can't require, when I lease his trucks, say "hey I want 10 trucks and I want qualified people"?

CA: You can say that, but I'm telling you that the federal standards require you to have certain safety records in your files for all equipment that operated under your purview. And, depending on the lease, you would have to have those records in your files.

ER: But then the temporary guy that you're going to grant authority to for 15 days doesn't need any of that?



- CA: No sir, if you read the rule it says that they have to provide information of all of that and when we've issued that in the past we've required copies of the records to be submitted to us before we would even consider the application.
- DK: What I would suggest is that staff review the rule related to the company being able to lease driver and truck and then Staff could probably put together something that would describe what you're saying, the federal rules and related and the difficulties involved with that.
- CA: As Bonnie pointed out the generator can also lease trucks.
- ER: Let's just use solid waste. The generator can lease his own equipment? I don't think the dump truck operator can, he can lease equipment but he doesn't have the authority to haul solid waste. He could do it for land clearing.
- DK: Does this relate to the emergency temporary rule? We're trying to avoid that rule, or is this a digression that went off.
- CA: I think Ed was proposing as an alternative to granting authority that the existing carrier lease equipment.
- ER: Yes to handle and emergency.
- DK: How about related to the emergency temporary, are there any more comments?
- JL: Looking at the Emergency Temporary Authority as an alternative to the next page, it seems to me that you're on to something. I noticed that there's a sentence here that "The Commission will consider the following factors which includes; the presence or lack of available service capable of meeting the current need" which to me implies that our poor little roofing customer that's not getting the service that they need, they for some reason didn't get anywhere with their current hauler. I don't know why that happened, but it may have happened, a mis-communication, and so they called the Commission and the Commission gets fed up enough with the situation to actually suggest, I mean a lot has to happen for this to go on and I like Mr. Hearn's comment where he said he didn't see how this would ever occur in his territory and of course we would feel the same way. So the idea that we would adopt a rule like this and then have it never be used, actually seems very desirable to me. But it does protect the interest of the Commission that the public receives service and it certainly preserves the industry's incentive to preserve our certificate, which is really what we're trying to do here. So I think with a little bit of tweaking here that you're really on to something. The emergency temporary authority with a little bit of massaging, I think you're actually on to something.

PM: Like John, I actually think you're on to something with this rule. I think there's a lot of good ideas in here and that's because I feel good about a couple of things. I feel good about, in most cases, the solid waste industry is not doing their job if they allow this situation to happen very often other than really unusual or emergency situations. And I also feel good about the fact that the Commission, in making this review, is not going to say that they'll frivolously grant this to somebody who just wants a 2-yard box when two 1-yarders would do, or something like that. There are a couple of things I suggest you consider to improve it, but they're minor, frankly. One is that in determining whether this should be granted, the presence or lack of service capable of meeting the need, I don't know whether you were thinking that there would be some means of sort of providing notice to the certificated carrier by a telephone call. That's how they were handled in the past. The flip side of that is that in doing that you also confirm what you've been told by the shipper, which is that these people would not provide the service and I called and asked. So, I think that's a positive aspect of it. I think if it's limited to the actual shippers or perhaps a site, that's how they've been done in the past.

CA: This was modeled after the emergencies that were granted to motor freight carriers.

PM: Yes, that's what I thought. But I didn't see that limitation or the ability to make that limitation in here. Finally I guess I would ask for something that you may think is a gratuitous statement, but I think would be important to us, which is that the granting of a certificate of emergency temporary authority is not necessarily considered service that is unsatisfactory on the part of the certificated hauler from the perspective of the Commission. So, that it's not viewed as an erosion of their authority. Finally, I like Andy's idea of kind of looking at how would you do this with CDL things as opposed to true emergencies. I think it would work the same with both, but that's a good concept. I do applaud you for this. This is a good provision.

CA: If we were to re-title paragraph number two would that serve your concern about the limitation? Where we would limit it to serve a specific customer or customers and it would be only those providing shipper support that we could verify?

PM: Yes something like that, a little more specificity on that. I guess I also thought that you might want to limit it to a site, we're talking about construction sites. I don't know whether that's always the same shipper or not.

CA: In motor freight we limited it to a commodity. Sometimes limited it to a route for couple of days. It was very specific.

AS: It would also be limited to those shippers who filed support statements?

CA: That is correct. In the terms of the expedited or emergency, yes, because it was only

those persons who could show that there was a need, that it was in the public interest and we met that standard.

MS: ...in the unlikely event that we had a hauler somewhere that was getting lots and lots and lots of these every month, perhaps it would sometimes be evidence of a lack of service satisfactory to the Commission....(not clear on tape)...this is just an emergency temporary. All the requirements for a temporary remain the same as they were before...(not clear on tape)...that the hauler would probably get the first phone call.

DK: Polly, a quick question, the same with John. Do you think the competitive commercial service provision, do you like that, vis a vis a temporary emergency?

PM: There aren't enough words to explain how much I don't like competitive commercial categories.

KK: We had a concern with lack of notification if a temporary emergency certificate was issued. As a jurisdiction we'd like to know if somebody new is providing service in our area because we do get calls and we have a lot of people who come in and now want to be haulers. I understand the two different situations that you're trying to address, both the enforcement or having good service by a hauler and perhaps that could be addressed in some of their compliance with their certificate and levels of service. The emergency situation I think we would feel comfortable with, particularly looking at the notification issue, if it was defined as an emergency, or what is an emergency. Then finally, would the WUTC be able to issue an emergency certificate for operation of a hauler or a company within a city whose already assumed that authority for contracting?

CA: No. Once you've opted in and we're out, we're happy to let you regulate within that area.

BH: I do have one more point of clarification in this emergency haulers permit, if you will. As was described to us by Marjorie, I think in order to be in the best interest of the public that the prices charged for this emergency service, in the event that the permit is authorized, should not exceed those that are in the tariff of the certificated hauler in that area.

JS: That's a very good point and it works on the other end too, they should not be less.

DK: Should be at tariff rate?

JS: I think they certainly should be. As close to it as you can get, depending upon the equipment.

RD: Just from sitting and listening to the conversation from a county standpoint that is

serviced by certified haulers, I guess I would like delineation made between that of provision of service that may be delinquent. I hear Polly and other people saying basically the same thing, and that being emergency. When the county has an emergency, be it a flood, or whether it's an ice storm, or whether it's 101 other things, and there is lots of debris to be cleaned up, whether that's household debris or whether that's demolition debris, or whatever, we will turn to our certified haulers. That certified hauler, at that point of emergency, will have to tap all resources, sometimes over and above what he has available. The county would rely upon that certified hauler to turn, hopefully, to other certified haulers within the general area to assist with that in that case of emergency. If that can't be done, I would assume that the hauler would go down the pecking order and would probably go to a lease option that would possibly fall under your requirement, but might not meet the time requirement necessary to determine the public need or the emergency. At that point the county is going to step forward and declare an emergency itself and at that point, I'm sorry, you people are out of it. We'll take whatever resources that we have available and we will clean it up for the public good. I guess we'll answer for it down the road. That's my food chain. I don't necessarily know if it meets what you guys have to do. But that's my issue, is if you're going to call this an emergency, that's what I live in when I hear an emergency in a county. If you're know talking about provision of service at a level of non-provision, I think you need to address that as a separate issue, not lump it under an emergency.

CA: Do you like expedited better?

RD: If it is because you're certified hauler may not be providing service, I don't know if expedition is a good word to reach what you're really trying to get at. I think an emergency is an emergency and I think it's generally understood what that constitutes. Lack of provision of service? You guys can fight amongst that one.

MS: I think what the Commission is looking for is a way to give authority quickly in a circumstance where we have a shipper, we have a consumer who needs service and is not able to get service. I think what we have looked at is trying to provide a way that we can make sure that there really is a need that has been identified to the certified hauler and that the hauler really cannot meet, because we have provided for having shipper support. But if we have a circumstance where someone needs service and they can't get service I think that what we're looking for, we're not looking at an emergency in the sense of drastic things happening as is often used for emergency preparedness...(turned tape over)....to see that a person who needs service gets service and we had a lot of concern about the competitive area where we were looking at getting other kinds of service offered. So we brain stormed and said "what did we used to do in trucking that work?" and we had things called ETAs and you probably never would have know if had an emergency temporary in your area, but if your lumber mill that needed it's lumber hauled down to the barge, or something of that nature, would know about it because they might

have gotten one on a weekend when there were no trucks available. I think that's what we're looking for. We're a consumer oriented agency. We want to make sure that consumers can get service when they need service.

- CA: Also, Ed, if you're looking to where you had a job and you needed 10 empty trucks, under the lease provisions that I've told you about, the federal government would hold you responsible for that equipment and the drivers. This would be a way for you to get those 10 extra trucks and then the owner of the trucks would be responsible for the safety and the qualification of the drivers because they would have the temporary authority. So this could act to the benefit of the existing carriers that need to augment their fleets at specific times, as well. It's a win/win.
- ER: OK so if I'm hearing you right, if this emergency occurred, by phone calls or fax, we could make this application over the fax and be granted, within a day or two, to meet this emergency and then I'd bill the customer that needs the service and he bills me and I reimburse him?
- CA: Yes. You could be the shipper in that instance. Let's use the Kingdome as just a symbol. You had taken that job and found out the because of weather conditions, or whatever, you had to move something very quickly. You don't have the number of trucks. You can't find them to lease or you don't want to take the responsibility for the equipment and the qualification of the drivers. You could sponsor this gentleman's company to come in and get a certificate under these provisions. They are the certificate holders. They are the ones who have to maintain the safety records, qualify the drivers. If we go with this provision where it has to be at tariff rates, that makes it real easy. This could actually act to the benefit of existing carriers, rather than to the detriment.
- ER: My question is more an administrative one now. I get the phone call in the morning. What would be your estimate of time before he has the authority and can put trucks on the road for me.
- CA: It happened in the past that if an applicant walked in the door with the proper documents, and we could get a hold of the shipper and the carrier and confirm the situation, they could walk out with the certificate in their hand, providing they had proof of insurance, proof of safety and all of that.
- ER: That sounds great. I think if it can be a win/win. My one comment for you in dealing with customers and being a consumer advocate, is those of us who have been up and down the avenue a few times know that roofing people, and I might even indicate some contractors, who will frequently call you up at four in the afternoon and say I need this at noon today or no later than six o'clock tomorrow morning and so having some control on the public as to when they require their service and some normal advance is rather unique

in public service.

BH:: If we applied for this certificate, would this release us from our normal obligation of getting an application from you for an emergency situation to have another company come in and do our service, which is a lengthy process?

CA: Are you speaking of service contract where an existing company can sign an agreement with another certificated company if you're an exclusive carrier in an area?

BH: Yes.

CA: Under the service agreement you have to submit the service agreement to us and we approve it through an Open Meeting. That takes a little longer because it takes an Open Meeting. But this emergency temporary could happen much more quickly than that.

BH: That would release us from having to go back and do that and approve it through the Commission? I mean an emergency situation.

CA: It would depend on the circumstances. In most cases if it was going to be long-standing, we would also require a temporary to be filed. But there are also ways for you, Mr. Hearn, to file a service agreement to have it say that if this happens in my area, we have an agreement with so and so to haul and we have signed those so that they've been in place for several months ahead of time so that they could be in place if you had a problem happen. So there are a lot of different ways that if you talk to us we can help you expedite to make sure that the customers in the area are getting their service.

AS: I think what Mr. Rubitino is advocating is something like when the Commission issued temporaries to motor freight carriers in the past. There was always this requirement that the shipper's request for service be reasonable so that you couldn't kind of jerry-rig an application so that a shipper calls at 4:00 in the afternoon saying that I've got five loads of cans going from A to B I need you here by 4:15, can you do it? Of course no carrier can say yes and that sets up the case for a license. I don't necessarily disagree that you want to discourage that kind of game playing, but in the construction industry I've been involved in enough situations where things genuinely do happen at the last minute and the problem in construction isn't just that the stuff sits around for a day, but most construction contracts I've seen have fairly onerous penalty provisions for delay. And any contractor faced with paying penalties or violating the law by hiring an unauthorized carrier, I can tell you, in representing not so much the carriers but the contractors, they will do what it takes to avoid paying damages for delay on a construction project because many of those penalties are far more onerous than anything the Commission can do. So while the requirement of reasonable needs of the shipper makes a lot of sense when you're hauling cans from the Alcoha plant to the Brewery, I don't know that rule really

applies quite as well and translates to the construction site situation where things happen. Hazardous materials get discovered during excavation, even though they did a geo-tech before they started. They find a pocket of, and I had this happen with a client, PCB's that nobody knew about. And they found it because they found the glass caps from transformers as they started the excavation. It created a nightmare. So, the reasonableness requirement becomes very problematic on a construction site. And I'd caution against just copying one over to the other.

CA: But this might also prove to be an instance where calling the certificated carrier, he might not have the expertise, the staff, or the equipment to handle the PCB laden soil so he could support an application and it could be granted. And in this day of faxes and computers and so on, money transfers, and we take credit cards on some stuff now, I can see that we might be able to expedite an application to serve that need.

ER: I've been involved with a case where there was contaminated soils and we needed containers. We said we'll get you the containers. We'll worry about how we're going to haul them after you fill them, but we'll at least get the material off the ground and in the containers and then we solve the problem.

DK: **Summary:**

**There were comments related to the term "emergency". There might be an expedited proceeding versus an emergency.**

**There were also comments as far as putting in provisions that limit the site or the locale.**

**There was discussion about tying in the CDL versus a true emergency into the rule itself.**

**Also, a provision that any type of emergency authority would be for the tariffed price of the hauler - not less - not greater.**

**There was also comments as far as delineating what is an emergency and if that should be a separate type of item.**

**General Comments:**

CA: During earlier discussions today, both the Dump Truck Association and the Refuse and Recycling Association expressed a desire that we be able to locate some bright lines between what is CC hauling and what is solid waste hauling and I would certainly encourage you to help us find that bright line and would hope you have some suggestions

for where it might be lined. Would you like to work on those suggestions now or would you like to submit them in writing by May 30<sup>th</sup>? Would you think about it please and we would really like some guidance. Please remember, those of you who are submitting comments, that we have agreed that the rules will be plain English. Some of the comments we received were overly punctuated, because an entire comment took a whole page. No one here did that. No one present in this room.

Just to bring people up to date because one of the rules does address mapping. We are proceeding on the mapping project. We are currently to the part where we will be recommending some re-writes of some of the certificates to make them a little easier to understand format. We'll be dealing, both individually with carriers who we think whose certificate needs to be re-written, as well as any abutting carriers and through your association so that there will be due process notice. We have located some certificates that the boundaries don't meet, so there's a gap. We found some unclaimed territory. Some of it in the middle of G98. We are dealing with it. It's a little slower process than we thought because, quite frankly, the written language was not as easy to convert to digital language as we had hoped. There were a lot of things in there that required a lot of research. Like the city boundaries of the city of, I'll just make this up, Tukwila, as they existing on August the 3<sup>rd</sup> 1967 except for the south boarder of the Henry J. Larsen donation plot. So there was a lot of research that had to be done. Most of it is done and now we'll be coming out and talking to people individually and working with you. We have some pretty maps that will result from this. We've also been able to work with people who wanted information as to whom could provide transportation in several counties. We're able to develop information on that much more quickly than we could in the past. We're developing a data base that at the end we hope to link to the database to our electronic maps so that people, perhaps in our Consumer Affairs Section, can touch on an address on their screen, find out who the carrier is and what the rates are for some of the major categories - the one-can, two-can, three-can - so they can answer inquires and complaints a little more easily. That's one of our end products. We're not there yet, but we're working toward it.

Also, as most of you have heard, there was a ruling in Oregon regarding city franchises. And I'll let Mary speak to that.

MT: There was a decision from the U.S. District Court in Oregon and related to cities of Beaverton and Multnomah County. The good news, as least from a technical legal standpoint, is that it's not binding on us because it's in a different district. So it's really not within a district court that governs Washington. The question will be, does the Commission want to consider the impacts of that in it's rulemakings in any way. Do any of the other attorneys know whether that's been appealed? Have you heard? The last I had heard there had not been a final ruling there. We are looking at the implications of that and will be communicating further with the parties in the course of this rulemaking



as to whether we might want to do anything differently in the rulemaking. Obviously if there are any thoughts or considerations that any of the stakeholders have on that we'd love to hear your thoughts on it.

KK: We would encourage you to look at this. We've already had several local governments notified by the party in question, AGG, letting us know that they'll be coming over to Clark County, within the jurisdictions working within cities, bringing drop boxes over and placing them, and they'll be letting us know when they'll be there. It will rapidly become our issue.

CA: The attorney for AGG who was also the attorney for Wood Feathers called us and asked us to please take judicial notice of the decision. We have copies and Mary is researching it at the present time.

We hope to be scheduling another issue focused stakeholders meeting sometime the first week of June, relating to fuel surcharge methodology. We hope that those of you who are interested in that subject will attend. And we hope also to be holding one more stakeholders meeting with our discussion draft number three. Following discussion draft number three we will be moving toward a CR-102 draft, which is the draft that we actually present to the Commissioners and say Staff recommends these changes be made. As Gene has said in the past, we hope that those persons who are interested in this rulemaking will make their comments and will continue to repeat them at each point where comments are solicited. We represent what we think the rules should be but the Commissioners are the persons who make the actual decision and they like to be informed as to all of the positions. We will be, in some instances, presenting Staff's recommendation plus alternate recommendations for language and then the Commissioners will choose between those. We want this to be as much of a consensus project as possible, but we realize there will be areas upon which we will have to choose to disagree. We'd like to thank those of you who have helped us so far, those people who have submitted comments. What would help us a whole bunch is if you do submit comments that you also submit an electronic version. That way they can be posted to our website more easily and they can be cut and pasted so we can take your comments and put them into our draft more easily. It's been a long project but I think we're going to come out of this with some rules that really work well.

DK: Closing.